

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 20-48393

JAMES LAWRENCE KIRK, II,

Chapter 13

Debtor.

Judge Thomas J. Tucker

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ORDER DISMISSING CASE

On August 3, 2020, the Debtor filed a voluntary petition for relief under Chapter 13, commencing this case. On August 10, 2020, the Debtor filed a “Certificate of Counseling” (Docket # 12), which states that on August 9, 2020, the Debtor received “an individual [or group] briefing that complied with the provisions of 11 U.S.C. §§ 109(h) and 111.”

The Debtor is not eligible to be a debtor in this case under 11 U.S.C. § 109(h)(1). That provision provides in relevant part, that

an individual may not be a debtor under this title unless such individual has, during the 180-day period ending on the date of filing the petition by such individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

The Debtor only received a credit counseling briefing six days *after* filing the bankruptcy petition. With exceptions not applicable here, 11 U.S.C. § 109(h)(1) requires a debtor to obtain a credit counseling briefing *on or before* the date of filing the bankruptcy petition.

Accordingly,

IT IS ORDERED that this case is dismissed.

Signed: August 11, 2020



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge